

ZONING BOARD OF APPEALS

MINUTES

September 20, 2005

Members Present

Barry Silverstein – Chairman
Maureen Kangas – Vice Chairman
MaryAnn Leenig
Lynne Raver
Marc Breimer

Members Absent

Ronald Critelli
April Callahan

Others Present

Janis Gomez, Esq. – ZBA Attorney
Joel Petrus – Deputy Building Inspector
Christopher Colsey – Director of Municipal Development

Notice of Appeal Hearing was published in the Beacon Free Press, The Poughkeepsie Journal and the Southern Dutchess News.

Notified of the variance requests were the Town Board, Town Fire/Building Inspector, Town Planning Board, New York State Department of Transportation, Dutchess County Department of Planning, Zoning Administrator and surrounding property owners.

The meeting of the Zoning Board of Appeals was called to order at 7:00 p.m. by the Chairman. He made announcements regarding the no smoking policy and the emergency exits and fire procedures.

Chairman Silverstein announced to the Floor that Alternate ZBA Member, Marc Breimer is on the Board for this meeting with full voting rights.

Chairman Silverstein called for comments or corrections to the minutes of the August meeting. Hearing none, he called for a motion to accept the minutes as written.

Maureen Kangas made the motion to accept the minutes from the August 16, 2005 meeting.

MaryAnn Leenig seconded.

Motion Carried

Barry Silverstein - Aye
Maureen Kangas – Aye
MaryAnn Leenig – Aye
Lynne Raver – Aye
Marc Breimer - Aye

Votes

Application Number ZB05-001 Lori Joseph Builders, Meadow Lane

Maureen Kangas made the motion to Deny the variance.

Seconded by MaryAnn Leenig

Carried

Barry Silverstein - Aye

Maureen Kangas – Aye

MaryAnn Leenig – Aye

Lynne Raver – Aye

Marc Breimer - Aye

Application Number ZB05-011 Charles Ropes III, 90 Old Castle Point Rd

Marc Breimer made the motion to Grant the variance.

Seconded by Maureen Kangas

Carried

Barry Silverstein - Aye

Maureen Kangas – Aye

MaryAnn Leenig – Aye

Lynne Raver – Aye

Marc Breimer - Aye

Old Business

Continued Public Hearing for:

Grid Number: 6154-00-898490 Address: 70 Route 9

Application Number: ZB05-007, submitted by Cranesville Block Company, to construct a 50' silo where the maximum height allowed is 35' in a GB Zoning District.

Said request is a violation of Chapter 150-33.B. of the Code of the Town of Fishkill.

Chairman Silverstein announced that the Applicants requested the Public Hearing be adjourned until November 15, 2005 pending a report from The Town Engineer.

Maureen Kangas made the motion to adjourn this Public Hearing.

MaryAnn Leenig seconded.

Motion Carried

Barry Silverstein - Aye

Maureen Kangas – Aye

MaryAnn Leenig – Aye

Lynne Raver – Aye

Marc Breimer - Aye

Grid Number: 6256-04-623284 Address: 1750 Route 52

Application Number ZB05-012, submitted by Sign-A-Rama, representing Blue Seal Feeds, Inc, requesting a 34 sq. ft. variance to replace the existing sign with a 70 sq. ft. sign where 36sq. ft. is the maximum allowed in an GB Zoning District. Said request is a violation of Chapter 150-30.D of the Code of the Town of Fishkill. This request is made by the applicant, who seeks relief from the Zoning Administrator's decision regarding Chapter 150-30.D. of the Code of the Town of Fishkill, New York.

Chairman Silverstein advised that this Hearing was previously adjourned and there are no new communications. He asked if there was representation for the Applicant. No response from the Floor. The Chairman advised that the Town Board is discussing this at their next meeting and the ZBA will adjourn the Public Hearing again until October pending a new sign law that may be put into effect.

MaryAnn Leenig made the motion to adjourn this Public Hearing.

Marc Breimer seconded.

Motion Carried

Barry Silverstein - Aye
Maureen Kangas – Aye
MaryAnn Leenig – Aye
Lynne Raver – Aye
Marc Breimer - Aye

New Business

Appeal #1 and Appeal #2

Grid Number: 6155-17-069012 Address: 20 Garden Place

Application Number ZB05-013, submitted by Balanced Builders, Suzanne Timmer and Michael Connors, requesting a 3ft variance to increase a 16.6 ft non-conforming rear setback to 13.6 ft where 40 ft is the minimum allowed in an R-20 Zoning District to construct a addition and renovation to the rear of their home.

Application Number ZB05-014, submitted by Balanced Builders, Suzanne Timmer and Michael Connors, requesting a 20 ft variance creating a 15 ft front yard setback where 35 ft is the minimum and a 5 ft variance creating a 5 ft side yard setback where 10 ft is the minimum in an R-20 Zoning District to construct a detached garage.

The Chairman read communications from the following:

The DC Department of Planning citing it as a matter of local concern.

The Town of Fishkill Planning Board also citing it as a matter of local concern.

Narayanan Sarma, resident, objection to granting of the variance

Represented by Suzanne Timmer and Michael Connors, applicants

Ms. Timmer advised the Board that they have an 864 sq ft cottage built in 1955. The rear porch is falling apart. She showed pictures to the Board Members. They would like to upgrade the property. The inside of the home is quite small and they do not have a place to put a table. Ms. Timmer advised that they have been working with the Building

Inspector for the three years that they have owned the property, to begin the process to upgrade and make it a beautiful place.

Ms. Timmer advised that they started with an eight-foot addition to the rear of the house to create a dining area. The Inspector, then George McGann, advised them that the minimum for a dining area was ten feet. This will encroach by three feet and that is why the variance is needed.

Ms. Timmer advised that they have no closets in the house so another addition they would like to add would be a mudroom. They had one closet in the house but that is being removed to create a staircase to the downstairs. Currently they have to go outside and down thru Bilco doors to get into the basement to do laundry. In the winter they have to shovel out just to get downstairs. They would like to be able to go downstairs in the winter.

Ms. Timmer advised that they have the room to place the addition to the side of the house, but they don't want to increase the footprint of the house. They would prefer to keep the house the way it is and go out the back the back with a dining area and mudroom.

Ms. Timmer referred back to the pictures of the existing porch. She stated that looking at the picture, from the house to a certain point was four feet. Looking three feet further back there is a woodpile. They have been collecting wood from past projects from her husband's company. She stated when a building is being removed they reclaim their building materials for an environmentally sustainable building effort. She pointed out the setback for the porch and where Mr. Sarma's lot is in the back. Ms. Timmer advised that they have approached the Sarma's to purchase the lot. He declined to sell. He is thinking of building a house to sell and wants to keep it as an investment. Ms. Timmer advised that they would want it for a long-term living situation. Ms. Timmer advised that if a house were placed on that lot they would erect a fence because the houses would be so close and they do not want to impact his property.

Ms. Timmer began to discuss the garage. She advised that her husband is a construction worker and has two trailers. They also have a truck, a van, a 1967 Pontiac Catalina, plus an antique car that she keeps in storage and a cost of over \$100.00 per month. In addition to those she also has the car that she drives to work. She understands that the (antique) car is a luxury but they have a lot of stuff. Although it is nobody's problem but their own, they feel it would be better to be able to put it away, than to have it sitting out on their property.

Ms. Timmer referred to another picture. She stated that looking at the front of the house; they would like to put the garage in the area that one of the trailers currently sits. One of the reasons that they want to put the garage there is to preserve the trees that are currently on the property. They have a drainage problem with water that flows down from the property above them and the trees help with the drainage. If the garage has to be moved they would have to remove the trees. In speaking with Mr. McGann they were advised that if the garage is placed further back additional asphalt will be needed to cover an area

to park on and that might create a problem with lot coverage. They do not want to use asphalt; they would prefer to use item four, which creates better drainage.

Ms. Timmer advised the Board that although it says it creates fifteen foot variance, the property line is actually thirteen feet from the road. The garage would still be approximately thirty feet back off the road.

Janis Gomez asked if there was a drawing that shows the garage on the lot. Ms. Timmer replied that it was on the application. Ms. Timmer pointed out where the garage will sit in reference with the trees currently on the lot.

Chairman Silverstein called for questions or comments from the Board.

Maureen Kangas asked who the neighbor was who wrote the letter of objection. The Chairman and Ms. Timmer both advised that it was the neighbor to the rear. Ms. Kangas asked for verification that he is the one that now wants to use his property to construct a house. Michael Connors confirmed this. Ms. Kangas asked if the fence was ever discussed. Mr. Connor advised that it was never discussed and that he has only spoken with Mrs. Sarma. Ms. Kangas asked if he was against this because it was so close to his property. Mr. Connor advised that this was the first he has heard of the objection. Ms. Timmer advised that Mr. Sarma has not returned their calls and that they have only spoken with his wife. Ms. Timmer stated that she voiced no objection to their project.

Ms. Kangas asked if there were neighbors on the side of them. Ms. Timmer advised that besides the Sarma's, there are neighbors to the sides of them and there is no issue with either of them

Chairman Silverstein commented that Ms. Timmer stated that they could build out to the side and he wanted to know why they don't want to build out to the side. Ms. Timmer advised that they have an existing footprint and the area is already built on. It would be more expensive to build out to the side because they would have to change the roofline, increase the foundation, and would take up more of their property and they have a small lot.

Chairman Silverstein asked if the construction was on the side, would it meet the codes or would they still need a variance. He stated that they are requesting a variance for something that, astatically they like better and financially is much better but you need a variance. If you go to the side you can still increase the size of your house, without requesting a variance. Mr. Connor replied that financially it may not be something that they are able to do. He advised that they are also trying to keep the cottage feel of the house and surrounding neighborhood.

The Chairman questioned the number of vehicles they own. He asked how many of them would be placed in the garage. Ms. Timmer replied that there would be two in the garage. The Chairman advised that there will still be vehicles and trailers out on the property. Ms. Timmer replied that it is something that they will have to take into consideration for

the neighborhood. They may place some of them in an open storage facility. It is unsightly for them and must be the same for the neighbors.

Chairman Silverstein called for additional questions or comments from the Board. None voiced.

Ms. Timmer presented additional pictures. She advised that a neighbor a few doors down has a garage up front. The neighborhood was built with two bedroom cottages and they would like to keep that flavor. The other house has a garage that is non-conforming on all sides. She advised that the garage was added but she did not know if a variance was granted for it.

Most of the properties in the area have additions on the property line because the properties are so small. She commented that at 10 Willow Place they have two additions and are ten feet from the rear property line. She showed additional pictures of additions and advised that some of the owners advised her that they received variances for their projects.

One neighbor has a 20 x 30 ft storage pole barn that the owner received a variance for. She commented that she found it unusual since it was so different for the neighborhood.

MaryAnn Leenig asked if there was anyone living in the house on the right side of their property. Ms. Timmer advised that they just purchased that piece of property. Ms. Leenig questioned why they wouldn't build out that way. Ms. Timmer replied that the septic system for that house is right there. There is also a drainage problem on that side that they were not aware of when they purchased their house. The neighbor at the time asked them to keep the hedge that separated their properties for as long as they lived there. Ms. Timmer advised that what they didn't know was that they had a water shed there. It was discovered after they purchased the adjacent lot and removed the hedge. There is also a four foot drop between the two lots. Ms. Leenig advised that she knows the house and that she lives down the street.

Ms. Leenig asked if they were planning to keep the other house or removing it and use the property for drainage so that they could put the garage back further. Ms. Leenig stated that a garage that close to the road would still be a eyesore. She stated that she knows where they currently park and the purposed garage would be in the same spot. Ms. Timmer advised that there would be room for two cars to park in front of the garage. Mr. Connors stated that the garage would be approximately where the trailer is currently parked. Ms. Timmer reminded the Board that their property line is thirteen feet from the road and the garage will be fifteen feet further back. The garage will sit close to the house but not close enough to have to cut down the trees.

Chairman Silverstein called for comments from the Floor.

Ron Leenig, Garden Place, advised the audience that he is a member of the Town Board but was speaking as a resident of the neighborhood. He stated that he has no objection to the additions onto the house but has a concern with the garage. He advised that according

to the plans, the garage can be moved back and attached to the house without needing any variances. He stated that he also does not want the garage close to the road.

Maureen Cotter, Garden Place, stated that she supports the project. She commented that she lives directly across the street and understands that the Connors' are trying to keep the flavor of the neighborhood. They are concerned and they want to keep the trees and the ascetics. This is important to her and for the neighborhood for them to keep their cottage look and build in an environmentally sound way.

Ms. Cotter stated that she is not opposed to putting the garage closer to the road and preserving the trees. She feels that too many people just remove the trees and this is creating drainage issues. She advised the Board that this area is downhill and less trees means more water running onto the neighbor's property.

George Supan, Fairview Rd, stated that he has driven by the property and it appears to be a holding facility for the owners business. They are storing equipment and materials. He feel disappointed that there has been no improvement in the property since they moved in. Although they have plans to create something that may be very nice, they admit that their trailers can be stored at another property. This can be done now.

Ms. Timmer replied that to store offsite would be at a considerable cost to them. She admitted that they didn't realize how long it was going to take them to get to where they are today. They have been revising their plans over the past year. Mr. Connor designed the plan and they have been working with an architect and with George McGann as the Building Inspector who check their plan and advised what need to be changed on them. She advised that both Joel Petrus and Ed Peters have also been to the house. Ms. Timmer commented that when they moved in three years ago she had just started a new job and her husband, Michael was just building his company. They didn't have the money to do anything. They began by upgrading the inside of their house. They are now to the point that they can submit their plan.

Chairman Silverstein commented that the question that had been asked in a round about way was a question that the Board Members also had. They are currently storing equipment offsite and even with the garage there will still be items stored on the property.

Ms. Timmer advised that she has discussed this with Ed Peters. The items that are currently being stored there are the pieces of wood that they have retrieved.

Chairman Silverstein stated that he was referring to the vehicles. With a two car garage they have six vehicles, including the trailers. The Chairman advised that Mr. Supan's concern is that they will still be trailers and other items stored on the property for their company. The Chairman asked how the garage will improve the property and the neighborhood.

Ms. Timmer asked for clarification whether the concern was for the wood on the property. Currently they have one trailer on the property.

Mr. Supan stated that he is concerned about the appearance of the property.

Ms. Timmer stated that all of the wood and slate currently being stored will be going into the house and the garage. The garage will have two cars in it and two cars out of it and then they have to address the issue with the trailers. It will then look like every other house on the street.

Chairman Silverstein called for additional question from the Floor or Board Members. Hearing none he requested a motion to adjourn or closed this Public Hearing.

Maureen Kangas made the motion to close the Public Hearing

Lynne Raver seconded

Motion Carried

Barry Silverstein - Aye

Maureen Kangas – Aye

MaryAnn Leenig – Aye

Lynne Raver – Aye

Marc Breimer – Aye

After the motion and vote MaryAnn Leenig and Janis Gomez both commented that Ms. Leenig should abstain from all votes pertaining to this appeal. Chairman Silverstein noted for the record that Ms. Leenig will abstain.

Ms. Timmer asked if she could enter additional photos into the record. Chairman Silberstein agreed. Ms. Timmer showed the photos and commented on the property at 2 Willow Place. This property was granted a rear variance to be within twenty feet of the property line. She also pointed out another at 11 Garden Place.

Chairman Silverstein accepted the photos but advised Ms. Timmer that each variance would have to be researched to determine when it was granted and the reasons. He advised Ms. Timmer that the Board would discuss the case further at the end of this meeting and a decision will be given at the next meeting.

Appeal #3

Grid Number: 6355-00-024791 Address: 350 Carey Rd

Application Number ZB05-015, submitted by Nancy Paino, requesting a 10 ft variance to create a 40 ft rear yard setback where 50 ft is the minimum required to construct a single family dwelling in an R-40 Zoning District.

Chairman Silverstein read a communication from the DC Department of Planning citing this as a matter of local concern.

Mike Meyers represented the applicant.

Mr. Meyers made a correction to the publication of the variance request and noted that it was a 40ft side yard setback.

Chairman Silverstein asked for verification that the application stated a side yard setback. Janis Gomez confirmed that it does.

Mr. Meyers stated that they are requesting a reduction on the side yard for a single family residence. The foundation has been put in place and the as-built has been completed. It was then discovered that the foundation was in violation on the zoning code.

Chairman Silverstein asked for verification that the foundation is in place. Mr. Meyers confirmed that it was. The Chairman asked how the error was discovered. Mr. Meyers stated that it was when the as-built was completed and the result was given to them. At that point the framing had already been started.

Marc Breimer asked how far along the framing was. Mr. Meyers stated that it is almost to the roof.

Chairman Silverman called for questions from the Board. None voiced. Maureen Kangas stated that it was self explanatory. The Chairman called for questions from the Floor.

Bill Cummings, Carey Rd, stated that he didn't understand it. He has the adjacent property and wants to understand what is happening.

Mike Meyers laid out the survey for Mr. Cummings to see. Chairman Silverstein stated that what Mr. Cummings sees on the survey is ten feet off. Mr. Cummings stated that he knows that the house is 900 to 1000 feet back. Mr. Meyers' reiterated that when the foundation was put in, the as-built survey was performed and they discovered that they were 42.4 feet from the side yard and they needed to be fifty.

Lynne Raver asked how it happened. Mr. Meyers replied that it is a tough piece of property. Originally, the house was scheduled to go down below. When the owner purchased the property there was an understanding that it was part of the original Town Landfill. He asked Joel Petrus for verification. Mr. Petrus stated that the lot next to this one was the landfill. The understanding was that this property did not have any fill on it, but when the test holes were performed on the lower section where the house was supposed to go, they hit a landfill. You name it, it was there. Ms. Paino was devastated. She had invested everything into this lot. She decided to move the house up to the top. This upper section is a tough terrain but they kept going and when the survey was done, the error was discovered.

Janis Gomez asked if they had an original survey that they were relying on. Mr. Meyers' replied that they did have an original survey and after the foundation was poured, he contacted the person to do a new survey.

Chairman Silverstein called for additional comments from the Board. Hearing none, he requested a motion to adjourn or close this Public Hearing. Janis Gomez requested that the Hearing be adjourned. She needs to verify that the error regarding the side yard and rear yard setback in the Public Hearing notice is not an issue. She advised the Board that they should be ready to vote on the appeal at the next meeting.

Chairman Silverstein called for a motion to adjourn this Public Hearing.

Maureen Kangas made the motion to adjourn the Public Hearing

Marc Breimer seconded

Motion Carried

Barry Silverstein - Aye

Maureen Kangas – Aye

MaryAnn Leenig – Aye

Lynne Raver – Aye

Marc Breimer – Aye

Appeal #4

Grid Number: 6055-01-231817 Address: 1573 Route 9D

Application Number ZB05-016, submitted by James Wick, requesting a 2ft variance creating a 16ft wide common driveway where 18ft is the minimum required in accordance with 150-72 in an R-20 Zoning District.

Chairman Silverman read the following communications:

The DC Department of Planning, citing it as a matter of local concern.

The Town of Fishkill Planning Board, offering a positive recommendation. They cited the project is a three lot sub-division, which received approval from the Planning Board with the following condition:

1. The Project Sponsor must gain a variance from the ZBA as the proposed parcels do not obtain access over their frontage as required by Town Code Chapter 150-26A.

It is the collective opinion of the Planning Board that the proposed shared driveway is consistent with the advisement of the State DOT which has jurisdiction over Route 9D and has recommended the use of a common driveway over three separate driveways.

Janis Gomez commented that the Public Hearing notice only addressed the variance for the width of the driveway. The application also requests a variance for the access not over their frontage. The Public Hearing will need to be adjourned to check to see if the Public Hearing will need to be re-notified. She advised the Members of the Board to be prepared to vote at the next meeting.

Chairman Silverstein asked for verification that the driveway has been increased to 18ft. Mr. Wick replied that the current plan is 18ft.

Represented by James Wick, applicant and Mitch Berkey, Povall Engineering

Mr. Wick displayed a 20 x 20 aerial photo taken 11 or 12 years ago. He showed where his property is, where the Dutchess Stadium now stands and the construction that has taken place since this photo was taken. Mr. Wick advised that the property is located on Route 9D and the do have their two 25ft frontages as required. The driveways can be placed there, but that would add additional entrances onto 9D which is not recommended. The Town Planning Consultant issued an eleven point memo. Point number eight indicates that Town Code states that lots shall not in general derive access from a major road but front on a minor interior street. When driveway access from a major street, such as Route 9D, may be necessary for two or more adjoining lots, the Town Planning Board may require that such lot be served by a combined access drive in order to limit the possible traffic hazard.

Mr. Wick advised that in the letter from the DOT, they stated that every effort should be made to consolidate access on Route 9D. Having three access points on such a short stretch of 9D would not be recommended.

Mr. Wick continued with the comments from the Town Engineer that the Town Code 150-26A also states that in order to obtain a building permit, not a sub-division, but a building permit a lot must have its frontage on a street or highway and the access must be over that frontage. The Town Engineer noted that prior to a building permit being issued, a variance must be granted by the ZBA for the use of a common driveway.

Mr. Wick displayed the plans, stated that the common driveway is the existing driveway, and showed the location on the drawing. He stated that the plan was to have a 16ft width driveway. He indicated the lot on the plans and stated that the driveway ranges from eleven feet wide to significantly wider at the top. Currently it is gravel but to serve three lots it is required to be paved.

Maureen Kangas verified the driveway access for each lot on the plans. Mitch Berkey commented that there is no access from the frontage. Mr. Wick verified the location of the two 25ft frontages required for a sub-division which makes each a flag lot, but to make it safer they three lots will share a common driveway.

MaryAnn Leenig stated that there will be three houses. Mr. Wick confirmed this. He stated that there will be his house plus two additional houses. He advised that the combined lots will be approximately three acres and this is a ½ acres Zoning District.

Janis Gomez commented that the other variance required is the State Town Law 280-A which is the same variance as the Town Code in as much as the emergency vehicles must be able to access the property. Ms. Gomez advised that she contacted the Fire Chief and requested a site visit. She has not received a report as of this meeting and faxed him today to check on the status of the inspection.

Maureen Kangas asked if Mr. Wick was going to absorb the cost of everything in order to sell the lots, or will the builder have to conform to it. Mr. Wick advised that whoever purchases the property will have to conform to any decisions that the ZBA makes.

Mr. Wick also advised that if the access for the rear lots were to be over the frontage there would be a loss of several eighty year old spruce trees. He reiterated that what he is seeking is the ZBA's approval to use a common driveway and secondly reducing the width of the driveway from 18ft to 16ft. He returned to the memo from the Town Planning Consultant and read point number 10, which stated that the required width of the driveway be 18ft up to the point in which it serves the individual homes. Although the width seems excessive, the publication residential street recommends a width of 18ft to serve an average daily traffic flow of 400 to 1500 or 40 to 150 dwellings. Mr. Wick reminded the Board that he will have three.

Janis Gomez asked for verification that the 2ft variance for the 16ft width is still being requested. Mr. Wick confirmed that he would. He is concerned about the ascetics. He noted that some towns only require twelve feet, which he is not asking for but that at sixteen feet two vehicles can pass by and at eighteen feet two fire truck can pass. He commented that he didn't think two fire trucks were going to pass each other. He continued and advised the Board that the current driveway wraps around his house and there are additional pull off points for vehicles. There is space in front of the garage and currently has a connection to the DeMercurio property.

Mitch Berkey presented a copy of the letter received from the NYS DOT, which recommends for drainage purposes, that the driveway be narrowed as must as possible. Chairman Silverstein stated that they still need to wait for the report from the Fire Chief.

Chairman Silverstein called for additional questions or comments. Hearing none, he called for a motion to adjourn this Public Hearing.

Maureen Kangas made the motion to close the Public Hearing

Lynne Raver seconded

Motion Carried

Barry Silverstein - Aye
Maureen Kangas - Aye
MaryAnn Leenig - Aye
Lynne Raver - Aye
Marc Breimer - Aye

Chairman Silverstein announced to the Floor that the Board will be discussing the cases that were presented at this meeting.

(Discussion regarding Appeal #1 & 2, Garden Place, House and Garage)

Chairman Silverstein commented that he has no problem with the request for the house but voiced a concern regarding the garage. He stated that he isn't sure what it is going to accomplish. He feels that it is a big variance and they will still have things out there.

Maureen Kangas stated that they would put the antique car in it, to avoid paying for storage.

MaryAnn Leenig asked if she was allowed to speak if she is going to abstain. Chairman Silverstein deferred to the Attorney. Janis Gomez stated that since the Public Hearing was closed, she should not make any comments regarding these appeals.

Maureen Kangas advised that she agrees with the Chairman regarding the garage. She feels that this is a young couple that bought a cottage style house and prefers to keep that feel. She stated that if there is anything that can be done differently to the garage to fit better, the applicants should consider it.

Marc Breimer agreed although he noted the detriment may be the loss of the trees. If seems that it is an excessive demand of the law to allow that structure to be there when there are other alternatives.

Lynne Raver also agreed with Mr. Breimer.

Maureen Kangas stated that the Board seems to be in agreement that the garage may be the problem. Chairman Silverstein advised that the Board does have the rest of the month to think about it.

Janis Gomez asked the Chairman if he would like the secretary to pull the files of the other properties that were questioned during the Public Hearing. The Chairman stated that he would. Janis Gomez stated that some of it may be pre-zoning. Maureen Kangas agreed. She stated that this is what comes up every month. It is what the ZBA must deal with.

Lynne Raver stated that it would not make a difference to her. The Chairman responded that it may help the applicants to understand the ZBA vote, since they brought up so much of what was already there that may also be pre-zoning.

Maureen Kangas noted that the applicants are also working very hard to make the inside of their house livable that they are not worrying about the outside and what it is doing to the neighborhood. She stated that they shouldn't just focus on one thing but they need to look at the whole plan.

Chairman Silverstein commented that the applicants were very upfront in that it will be cheaper to build a garage than to pay for storage.

Marc Breimer stated that item number two in the area variance criteria states whether the benefits sought can be achieved by any other means. The Chairman commented that they do fall within item number five, that it is self-created in that they chose to purchase the cars and trailers.

Maureen Kangas stated that maybe the ZBA should offer them some options.

Chairman Silverstein concluded the discussion stating that the Board Members have a general feel for the appeal.

(Discussion regarding Appeal #3, Nancy Piano, Carey Rd)

Chairman Silverstein asked for opinions regarding the not-quite ten feet and should the applicant be required to remove the existing structure and foundation.

Maureen Kangas stated that eight feet wasn't going to make a difference. Marc Breimer and Lynne Raver agreed.

Chairman Silverstein stated that they would just wait for the legality of the notice.

Janis Gomez stated that it would probably be fine.

(Discussion regarding Appeal #4, James Wick, Route 9D)

Chairman Silverstein stated that he has no problems regarding the driveway, and again would wait regarding the legality of the notice.

The Chairman asked Marc Breimer, as a fireman, how he felt regarding a 16ft driveway. Mr. Breimer stated that 16ft would be fine.

Maureen Kangas stated that she felt that this was well thought out.

With no further discussions regarding the appeals, Chairman Silverstein called for a motion to adjourn the ZBA Meeting.

Marc Breimer made the motion to adjourn the ZBA Meeting

MaryAnn Leenig seconded

Motion Carried

Barry Silverstein - Aye

Maureen Kangas – Aye

MaryAnn Leenig – Aye

Lynne Raver – Aye

Marc Breimer - Aye

Meeting adjourned at 7:58pm

Respectfully submitted,

Nancy Fitzgerald-Lecker
ZBA Clerk